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Title : Passing of the Information Technology (Amendment) Bill, 2006.

THE MINISTER OF COMMUNICATIONS AND INFORMATION TECHNOLOGY (SHRI A. RAJA): Sir, I beg to move** :

"That the Bill further to amend the Information Technology Act, 2000, be taken into consideration."

MR. DEPUTY-SPEAKER: The question is:

"That the Bill further to amend the Information Technology Act, 2000, be taken into consideration."

The motion was adopted.

MR. DEPUTY-SPEAKER: The House will now take up clause-by-clause consideration of the Bill.

The question is:

"The clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Amendment of Section 2

Clause 4

Amendments made:

Page 2, *after* line 35, *insertâ€"*

'(A) after clause (h), the following clause shall be inserted, namely :--

'(ha) "communication device" means cell phones, personal digital assistance or combination of both or any other device used to communicate, send or transmit any text, video, audio or image;';'. (3)

Page 2, line 36, *for* "(A)", *substitute* "(AA)". (4)

Page 2, line 38, *after* "computer systems", *insert* "or communication device". (5)

Page 2, line 39, *after* "terrestrial line", *insert* "wire,". (6)

Page 2, line 42, *after* "computers", *insert* "or communication device". (7)

Page 3, line 1, *for* "following clause", *substitute* "following clauses". (8)

Page 3, *after* line 4, *insertâ€"*

'(nb) "cyber security" means protecting information, equipment, devices, computer, computer resource, communication device and information stored therein from unauthorized access, use, disclosure, disruption, modification or destruction;'. (9)

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** Introduced with the Recommendation of the President

Page 3, *after* line 10, *insertâ€"*

'(DA) after clause (u), the following clause shall be inserted, namely:--

'(ua) "Indian Computer Emergency Response Team" means an agency established under sub-section(1) of section 70B;'.'. (10)

Page 3, lines 19 and 20, *omit* ",but does not include body corporate referred to in section 43A". (11)

(Shri A. Raja)

MR. DEPUTY-SPEAKER: The question is:

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clauses 5 to 7 were added to the Bill.

...(*Interruptions*)[SS6]

Motion Re: Suspension of Rule 80(i)

SHRI A. RAJA : Sir, I beg to move:

"That this House do suspend clause (i) of rule 80 of Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No. 12 to the Information Technology (Amendment) Bill, 2006 and that this amendment may be allowed to be moved."

MR. DEPUTY-SPEAKER: The question is:

"That this House do suspend clause (i) of rule 80 of Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No. 12 to the Information Technology (Amendment) Bill, 2006 and that this amendment may be allowed to be moved."

The motion was adopted.

Insertion of new Section 7A

New Clause 7A

Amendment made:

Page 4, after line 30, *insert* --

Insertion of new section 7A.	'**7A**. After section 7 of the principal Act, the following section shall be inserted, namely :-
Audit of documents etc. maintained in electronic form	"7A. Where in any law for the time being in force, there is a provision for audit of documents, records or information, that provision shall also be applicable for audit of documents, records or information processed and maintained in the electronic form.".'. (12) (Shri A. Raja)

MR. DEPUTY-SPEAKER: The question is:

"That new clause 7A be added to the Bill".

The motion was adopted.

New clause 7A was added to the Bill.

Clauses 8 to 10 were added to the Bill.

Motion Re: Suspension of Rule 80(i)

SHRI A. RAJA : Sir, I beg to move:

"That this House do suspend clause (i) of rule 80 of Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No. 13 to the Information Technology (Amendment) Bill, 2006 and that this amendment may be allowed to be moved."

MR. DEPUTY-SPEAKER: The question is:

"That this House do suspend clause (i) of rule 80 of Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No. 13 to the Information Technology (Amendment) Bill, 2006 and that this amendment may be allowed to be moved."

The motion was adopted.

Amendment of Section 17

New Clause 10A

Amendment made:

Page 5, after line 7, *insert* --

Amendment of section 17.

'**10A.** In section 17 of the principal Act,-

(a) in sub-section (1), for the words "and Assistant Controllers", the words ",Assistant Controllers, other officers and employees" shall be substituted; and

(b) in sub-section (4), for the words "and Assistant Controllers", the words ",Assistant Controllers, other officers and employees" shall be substituted.'. (13)

(Shri A. Raja)

MR. DEPUTY-SPEAKER: The question is:

"That new clause 10A be added to the Bill".

The motion was adopted.

New clause 10A was added to the Bill.

Clauses 11 to 18 were added to the Bill.

...(*Interruptions*)

Amendment of Section 43

Clause 19

Amendments made:

Page 5, *for* line 39, *substitute* –

"(a) in the marginal heading, for the word "Penalty", the words "Penalty and Compensation". (14)

Page 5, *after* line 40, *insert* -

"(aa) in clause (a), after the words "computer network", the words "or computer resource" shall be inserted;". (15)

Page 5, line 41, *for* "following clause", *substitute* "following clauses". (16)

Page 5, after line 43, *insert* -

"(j) steals, conceals, destroys or alters or causes any person to steal, conceal, destroy or alter any computer source code used for a computer resource with an intention to cause damage,

(c) for the portion beginning with the words "he shall be liable to pay damages" and ending with the words "person so affected" the following shall be substituted, namely :-

" h e shall be liable to pay damages by way of compensation to the person so affected";

(d) in the *Explanation*, after clause (iv), the following clause shall be inserted, namely :-

' (v) "computer source code" means the listing of programmes, computer commands, design and layout and programme analysis of computer resource in any form.". '". (17)

(Shri A. Raja)

MR. DEPUTY-SPEAKER: The question is:

"That clause 19, as amended, stand part of the Bill."

The motion was adopted.

Clause 19, as amended, was added to the Bill.

Insertion of new Section 43A

Clause 20

Amendment made:

Page 6, lines 7 and 8, *omit* 'hot exceeding five crore rupees,". (18)

(Shri A. Raja)

MR. DEPUTY-SPEAKER: The question is:

"That clause 20, as amended, stand part of the Bill."

The motion was adopted.

Clause 20, as amended, was added to the Bill.

...(*Interruptions*)

Amendment of Section 46

Clause 21

Amendment made:

Page 6, *for* lines 24 to 26, *substitute* -

'21. In section 46 of the principal Act,-

(a) in sub-section (1), for the words "direction or order made thereunder", the words "direction or order made thereunder which renders him liable to pay penalty or compensation," shall be substituted;

(b) after sub-section (1), the following sub-section shall be inserted, namely:-

"(1A). The adjudicating officer appointed under sub-section (1) shall exercise jurisdiction to adjudicate matters in which the claim for injury or damage does not exceed rupees five crore:

Provided that the jurisdiction in respect of the claim for injury or damage exceeding rupees five crore shall vest with the competent court.";

(c) in sub-section (5), after clause (b) the following clause shall be inserted, namely:-

"(c) shall be deemed to be a civil court for purposes of Order XXI of the Civil Procedure Code, 1908."' (19)

(Shri A. Raja)[r7]

MR. DEPUTY-SPEAKER: The question is:

"That clause 21, as amended stand part of the Bill.

The motion was adopted.

Clause 21, as amended was added to the Bill.

Clauses 22 and 23 were added to the Bill.

Substitution of new sections for Sections 49 to 52

Clause 24

Amendments made:

Page 6, *after* line 35, *insert* –

"Provided that the person appointed as the Presiding Officer of the Cyber Appellate Tribunal under the provisions of this Act immediately before the commencement of the Information Technology (Amendment) Act, 2008 shall be

deemed to have been appointed as the Chairperson of the said Cyber Appellate Tribunal under the provisions of this Act as amended by the Information Technology (Amendment) Act, 2008". (20)

Page 6, *Omit* lines 45 and 46. (21)

Page 7, line 23, *for* "two years", *substitute* "one year". (22)

(Shri A. Raja)

MR. DEPUTY-SPEAKER: The question is:

"That clause 24, as amended, stand part of the Bill."

The motion was adopted.

Clause 24, as amended, was added to the Bill.

Clauses 25 to 28 were added to the Bill.

Amendment of Section 61

Clause 29

MR. DEPUTY-SPEAKER: The question is:

"That clause 29 stand part of the Bill.

The motion was negatived.

MR. DEPUTY-SPEAKER: The question is:

"That clause 30 stand part of the Bill."

The motion was adopted.

Clause 30 was added to the Bill.

Substitution of new sections for Sections 66 and 67

Clause 31

Amendments made:

Page 8, line 34, *for* "two years", *substitute* "three years". (23)

Page 8, line 43, *for* "content", *substitute* "information". (24)

Page 8, Line 44, *for* "content", *substitute* "information". (25)

Page 8, line 46, *for* "makes", *substitute* "by making". (26)

Page 8, *after* line 47, *insert* -

"(c) any electronic mail or electronic mail message for the purpose of causing annoyance or inconvenience or to deceive or to mislead the addressee or recipient about the origin of such messages,". (27)

Page 9, line 1, *for* "two years", *substitute* "three years". (28)

Page 9, *for* lines 3 to 5, *substitute* -

'Explanation.- For the purposes of this section, terms "electronic mail" and "electronic mail message" means a message or information created or transmitted or received on a computer, computer system, computer resource or communication device including attachments in text, image, audio, video and any other electronic record, which may be transmitted with the message.

Punishment for dishonestly receiving stolen computer resource or communication device

66B. Whoever dishonestly receives or retains any stolen computer resource or communication device knowing or having reason to believe the same to be stolen computer resource or communication device, shall be punished with imprisonment of either description for a term which may extend to three years or with fine which may extend to rupees one lakh or with both.

66C. Whoever, fraudulently or dishonestly make use of the electronic signature, password or any other unique identification feature of any other person, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine which may extend to rupees one lakh.

Punishment for identity theft.

66D. Whoever, by means of any communication device or computer resource cheats by personation, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine which may extend to one lakh rupees.

66E. Whoever, intentionally or knowingly captures, publishes or transmits the image of a private area of any person without his or her consent, under circumstances violating the privacy of that person, shall be punished with imprisonment which may extend to three years or with fine not exceeding two lakh rupees, or with both.

*Explanation.***-** For the purposes of this section**--**

Punishment for cheating by personation by using computer resource.

(a) "transmit" means to electronically send a visual image with the intent that it be viewed by a person or persons;

Punishment for violation of privacy.

(b) "capture", with respect to an image, means to videotape, photograph, film or record by any means;

(c) "private area" means the naked or undergarment clad genitals, pubic area, buttocks or female breast;

(d) "publishes" means reproduction in the printed or electronic form and making it available for public;

(e) "under circumstances violating privacy" means circumstances in which a person can have a reasonable expectation that--

(i) he or she could disrobe in privacy, without being concerned that an image of his private area was being captured; or

(ii) any part of his or her private area would not be visible to the public, regardless of whether that person is in a public or private place.

66F. (1) Whoever,-

(A) with intent to threaten the unity, integrity, security or sovereignty of India or to strike terror in the people or any section of the

people by –

(i) denying or cause the denial of access to any person authorised to access computer resource; or

(ii) attempting to penetrate or access a computer resource without authorisation or exceeding authorised access; or

(iii) introducing or causing to introduce any computer contaminant;

Punishment for cyber terrorism.

and by means of such conduct causes or is likely to cause death or injuries to persons or damage to or destruction of property or disrupts or knowing that it is likely to cause damage or disruption of supplies or services essential to the life of the community or adversely affect the critical information infrastructure specified under section 70, or

(B) knowingly or intentionally penetrates or accesses a computer resource without authorisation or exceeding authorised access, and by means of such conduct obtains access to information, data or computer database that is restricted for reasons of the security of t h e State or foreign relations; or any restricted information, data or computer database, with reasons to believe that such information, data or computer database so obtained may be used to cause or likely to cause injury to the interests of the sovereignty and integrity of India, the security of the State, friendly relations with foreign States, public order, decency or morality, or in relation to contempt of court, defamation or incitement to an offence, or to the advantage of any foreign nation, group of individuals or otherwise,

commits the offence of cyber terrorism.

(2) Whoever commits or conspires to commit cyber terrorism shall be punishable with imprisonment which may extend to imprisonment for life'. (29)

Page 9, line 11, *for* " two years" *substitute* "three years" (30)

Page 9, *for* lines 22 to 28, *substitute* -

Punishment for publishing or transmitting of material depicting

'67 B. Whoever,-

(a) publishes or transmits or causes to be published or transmitted material in any electronic form which depicts children

children in sexually explicit act, etc. in electronic form.

engaged in sexually explicit act or conduct; or

(b) creates text or digital images, collects, seeks, browses, downloads, advertises, promotes, exchanges or distributes material in any electronic form depicting children in obscene or indecent or sexually explicit manner; or

(c) cultivates, entices or induces children to online relationship with one or more children for and on sexually explicit act or in a manner that may offend a reasonable adult on the computer resource; or

(d) facilitates abusing children online; or

(e) records in any electronic form own abuse or that of others pertaining to sexually explicit act with children,

shall be punished on first conviction with imprisonment of either description for a term which may extend to five years and with fine which may extend to ten lakh rupees and in the event of second or subsequent conviction with imprisonment of either description for a term which may extend to seven years and also with fine which may extend to ten lakh rupees:

Provided that provisions of section 67, section 67A and this section does not extend to any book, pamphlet, paper, writing, drawing, painting, representation or figure in electronic form â€”

(i) the publication of which is proved to be justified as being for the public good on the ground that such book, pamphlet, paper, writing, drawing, painting, representation or figure is in the interest of science, literature, art or learning or other objects of general concern; or

(ii) which is kept or used for bonafide heritage or religious purposes.

Explanation.- For the purposes of this section "children" means a person who has not completed the age of 18 years.

67 C (1) Intermediary shall preserve and retain such information as may be specified for such duration and in such manner and format as the Central Government may prescribe.

(2) Any intermediary who intentionally or knowingly contravenes the provisions of sub-

section (1) shall be punished with an imprisonment for a term which may extend to three years and also be liable to fine.'. (31)

(Shri A. Raja)

Preservation and retention of information by intermediaries

MR. DEPUTY-SPEAKER: The question is:

"That clause 31, as amended, stand part of the Bill.

The motion was adopted.

Clause 31, as amended, was added to the Bill.

Clause 32 was added to the Bill.

Substitution of new sections for Section 69

Clause 33

Amendments made:

Page 9, line 35, *for* "following section" *substitute* " following sections". (32)

Page 9, *for* lines 37 to 50, *substitute* –

Power to issue directions for interception or monitoring or decryption of any information through any computer resource

'"**69.** (*1*) Where the Central Government or a State Government or any of its officer specially authorised by the Central Government or the State Government, as the case may be, in this behalf may, if satisfied that it is necessary or expedient so to do in the interest of the sovereignty or integrity of India, defence of India, security of the State, friendly relations with foreign States or public order or for preventing incitement to the commission of any cognizable offence relating to above or for investigation of any offence, it may subject to the provisions of sub-section (*2*), for reasons to be recorded in writing, by order, direct any agency of the appropriate Government to intercept, monitor or decrypt or cause to be intercepted or monitored or decrypted any information generated, transmitted, received or stored in any computer resource.

(*2*) The procedure and safeguards subject to which such interception or monitoring or decryption may be carried out, shall be such as may be prescribed.

(*3*) The subscriber or intermediary or any person in-charge of the computer resource shall, when called upon by any agency referred to in sub-

section (*1*), extend all facilities and technical assistance toâ€"

(*a*) provide access to or secure access to the computer resource generating, transmitting, receiving or storing such information; or

(*b*) intercept, monitor, or decrypt the information, as the case may be; or

(*c*) provide information stored in computer resource.

(*4*) The subscriber or intermediary or any person who fails to assist the agency referred to in sub-section (*3*) shall be punished with imprisonment for a term which may extend to seven years and shall also be liable to fine.

Power to issue directions for blocking for public access of any information through any computer resource

69A. (1) Where the Central Government or any of its officer specially authorised by it in this behalf is satisfied that it is necessary or expedient so to do in the interest of sovereignty and integrity of India, defence of India, security of the State, friendly relations with foreign States or public order or for preventing incitement to the commission of any cognizable offence relating to above, it may subject to the provisions of sub-section (2), for reasons to be recorded in writing, by order, direct any agency of the Government or intermediary to block for access by the public or cause to be blocked for access by the public any information generated, transmitted, received, stored or hosted in any computer resource.

(*2*) The procedure and safeguards subject to which such blocking for access by the public may be carried out, shall be such as may be prescribed.

(3) The intermediary who fails to comply with the direction issued under sub-section (*1*) shall be punished with an imprisonment for a term which may extend to seven years and also be liable to fine.

69B. (1) The Central Government may, to enhance cyber security and for identification, analysis and prevention of intrusion or spread of computer contaminant in the country, by notification in the Official Gazette, authorise any agency of the Government to monitor and collect traffic data or information generated, transmitted, received or stored in any computer resource.

(2) The intermediary or any person in-charge of the computer resource shall, when called upon by the agency which has been authorised

under sub-section (*1*) , provide technical assistance and extend all facilities to such agency to enable online access or to secure and provide online access to the computer resource generating, transmitting, receiving or storing such traffic data or information.

Power to authorize to monitor and collect traffic data or information through any computer resource for

cyber security

(3) The procedure and safeguards for monitoring and collecting traffic data or information, shall be such as may be prescribed.

(4) Any intermediary who intentionally or knowingly contravenes the provisions of sub-section (2) shall be punished with an imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.- For the purposes of this section,-

(i) "computer contaminant" shall have the meaning assigned to it in section 43;

(ii) "traffic data" means any data identifying or purporting to identify any person, computer system or computer network or location to or from which the communication is or may be transmitted and includes communications origin, destination, route, time, date, size, duration or type of underlying service and any other information.'. (33)

. Page 10, *omit* lines 1 to 5. (34)

(Shri A. Raja)

MR. DEPUTY-SPEAKER: The question is:

"That clause 33, as amended, stand part of the Bill."

The motion was adopted.

Clause 33, as amended, was added to the Bill.

Clause 34 was added to the Bill.

Insertion of new Section 70A

Clause 35

Amendments made:

Page 10, line 19, *for* "following section" *substitute* "following sections". (35)

Page 10, *for* lines 21 to 33, *substitute*-

National nodal agency

"'**70A**. (l). The Central Government may, by notification published in the Official Gazette, designate any organisation of the Government as the national nodal agency in respect of Critical Information Infrastructure Protection.

(2) The national nodal agency designated under sub-section (1) shall be responsible for all measures including Research and Development relating to protection of Critical Information Infrastructure.

(3) The manner of performing functions and duties of the agency referred to in sub-section (1) shall be such as may be prescribed.

70B. (1) The Central Government shall, by notification in the Official Gazette, appoint an agency of the Government to be called the Indian Computer Emergency Response Team.

Indian Computer Emergency Response

(2) The Central Government shall provide the agency referred to in sub-section (1) with a Director General and such other officers and employees as may be prescribed.

Team to serve as national agency for incident response.

(3) The salary and allowances and terms and conditions of the Director General and other officers and employees shall be such as may be prescribed.

(4) The Indian Computer Emergency Response Team shall serve as the national agency for performing the following functions in the area of cyber security,-

(a) collection, analysis and dissemination of information on cyber incidents;

(b) forecast and alerts of cyber security incidents;

(c) emergency measures for handling cyber security incidents;

(d) coordination of cyber incidents response activities;

(e) issue guidelines, advisories, vulnerability notes and whitepapers relating to information security practices, procedures, prevention, response and reporting of cyber incidents;

(f) such other functions relating to cyber security as may be prescribed.

(5) The manner of performing functions and duties of the agency referred to in sub-section (1) shall be such as may be prescribed.

(6) For carrying out the provisions of sub-section (4), the agency referred to in sub-section (1) may call for information and give direction to the service providers, intermediaries, data centres, body corporate and any other person.

(7) Any service provider, intermediaries, data centres, body corporate or person who fails to provide the information called for or comply with the direction under sub-section (6), shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one lakh rupees or with both.

(8) No court shall take cognizance of any offence under this section, except on a complaint made by an officer authorised in this behalf by the agency referred to in sub-section(1).'". (36)

(Shri A. Raja)[r8]

MR. DEPUTY-SPEAKER: The question is:

"That clause 35, as amended, stand part of the Bill. "

The motion was adopted.

Clause 35, as amended, was added to the Bill.

Insertion of new Section 72A

Clause 36

Amendment made:

Page 10, line 42, *for* "two years", *substitute* "Three years". (37)

(Shri A. Raja)

MR. DEPUTY-SPEAKER: The question is:

"That clause 36, as amended, stand part of the Bill. "

The motion was adopted.

Clause 36, as amended, was added to the Bill.

Substitution of new sections for Sections 77 and 76

Clause 37

Amendments made:

Page 10, line 44, *for "sections 77 and 78"* substitute "section 77". (38)

Page 11, *for* lines 4 to 12, *substitute* –

Compounding "**77A.** A court of competent jurisdiction may compound offences,

of offences other than offences for which the punishment for life or imprisonment

for a term exceeding three years has been provided, under this Act:

Provided that the court shall not compound such offence where the

accused is, by reason of his previous conviction, liable to either

enhanced punishment or to a punishment of a different kind:

Provided further that the court shall not compound any offence where

such offence affects the socio-economic conditions of the country or has been committed against a child below the age of 18 years or a

woman.

(2) The person accused of an offence under this Act may file an

application for compounding in the court in which offence is pending for trial and the provisions of section 265B and 265C of the Code of Criminal Procedure, 1973 shall apply.

Offences with **77B.** *(1)* Notwithstanding anything contained in Criminal Procedure

three years Code, 1973, the offence punishable with imprisonment of three years

imprisonment to be and above shall be cognizable and the offence punishable

bailable with imprisonment of three years shall be bailable.". (39)

Page 11, *omit* lines 13 to 23. (40) (Shri A. Raja)

MR. DEPUTY-SPEAKER: The question is:

"That clause 37, as amended, stand part of the Bill. "

The motion was adopted.

Clause 37, as amended, was added to the Bill.

Motion Re: Suspension of Rule 80(i)

SHRI A. RAJA: Sir, I beg to move:

"That this House do suspend clause (i) of rule 80 of the Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No.41 to the Information Technology Amendment Bill, 2006 and that this amendment may be allowed to be moved."

MR. DEPUTY-SPEAKER: The question is:

"That this House do suspend clause (i) of rule 80 of the Rules of Procedure and Conduct of Business in Lok Sabha in so far as it requires that an amendment shall be within the scope of the Bill and relevant to the subject matter of the clause to which it relates, in its application to the Government amendment No.41 to the Information Technology Amendment Bill, 2006 and that this amendment may be allowed to be moved."

The motion was adopted.

Amendment of Section 78

New Clause 37 A

Amendment made:

Page 11, *after* line 23, *insert, Â*-

Amendment "**37A**. In section 78 of the principal Act, for the words

of section 78. "Deputy Superintendent of Police" the word

"Inspector" shall be substituted.". (41)

(Shri A. Raja)

MR. DEPUTY-SPEAKER: The question is:

"That new clause 37A be added to the Bill. "

The motion was adopted.

New clause 37A was added to the Bill.

Substitution of new chapters for Chapter XII

Clause 38

Amendments made:

Page 11, line 28, *omit* "other". (42)

Page 11, line 31, *after* "available", *insert* "or hosted". (43)

Page 11, line 35, *after* "stored", *insert* "or hosted" (44)

Page 11, after line 39, *insert* –

"(c) the intermediary observes due diligence while discharging his duties under this Act and also observes such other guidelines as the Central Government may prescribe in this behalf". (45)

Page 11, line 41, *after* "abetted", *insert* "or aided or induced, whether by

threats or promise or otherwise,". (46)

Page 12, *omit* lines 3 and 4. (47)

(Shri A. Raja)

MR. DEPUTY-SPEAKER: The question is:

"That clause 38, as amended, stand part of the Bill. "

The motion was adopted.

Clause 38, as amended, was added to the Bill.

Omission of Section 80

Clause 39

Amendment made:

Page 12, *for* line 18, *substitute* –

Amendment "**39.** In section 80 of the principal Act, in sub-section (1), for the

of section 80. words "Deputy Superintendent of Police", the word "Inspector"

shall be substituted.". (48)

(Shri A. Raja)

MR. DEPUTY-SPEAKER: The question is:

"That clause 39, as amended, stand part of the Bill. "

The motion was adopted.

Clause 39, as amended, was added to the Bill.

Clauses 40 to 43 were added to the Bill.

Amendment of Section 87

Clause 44

Amendments made:

Page 13, after line 20, *insert* –

"(iiia) in clause (f), for the words "and Assistant Controllers", the words, "Assistant Controllers, other officers and employees" shall be substituted.'. (49)

Page 13, after line 35, *insert* –

"(wa) the information, duration, manner and form of such

information to be retained and preserved under section 67C;". (50)

Page 13, *for* lines 36 and 37, *substitute* –

"(x) the procedures and safeguards for interception, monitoring,

or decryption under sub-section (2) of section 69;

(xa) the procedure and safeguards for blocking for access by the

public under sub-section (2) of section 69A.

(xb) the procedure and safeguards for monitoring and collecting

traffic data or information under sub-section (3) of section 69B;". (51)

Page 13, *after* line 39, *insert* –

"(ya) manner of performing functions and duties of the agency under

sub-section (3) of section 70A;

(yb) the officers and employees under sub-section (2) of section 70B;

(yc) salaries and allowances and terms and conditions of service of

the Director General and other officers and employees under sub-section (3) of section 70B;

(yd) the manner in which the functions and duties of agency shall be performed under sub-section (5) of section 70B;". (52)

Page 13, lines 40 and 41, *for* "sub-section (4)", *substitute* "sub-section (2)". (53)

Page 13, *for* line 46, *substitute* –

"every rule made by it", the words "Every notification made by the

Central Government under sub-section (1) of section 70A and every rule made by it.'". (54)[r9]

(Shri A. Raja)

MR. DEPUTY-SPEAKER: The question is:

"That clause 44, as amended, stand part of the Bill. "

The motion was adopted.

Clause 44, as amended, was added to the Bill.[r10]

Amendment of Section 90

Clause 45

Amendment made:

Page 14,	*For* lines 1 to 3, *substituteâ€"*
Amendment of Section 90.	"**45.** In section 90 of the principal Act, in sub-section (2), clause (c) shall be omitted.". (55)

(Shri A. Raja)

MR. DEPUTY-SPEAKER: The question is:

"That clause 45, as amended, stand part of the Bill."

The motion was adopted.

Clause 45, as amended, was added to the Bill.

Clauses 46 to 48 were added to the Bill.

...(*Interruptions*)

Amendment of Indian Penal Code

Clause 49

Amendments made:

Page 15, *omit* lines 20 to 32. (56)

Page 15, *omit* lines 35 to 45. (57)

Page 16, *omit* lines 1 to 13. (58)

(Shri A. Raja)

MR. DEPUTY-SPEAKER: The question is:

"That clause 49, as amended, stand part of the Bill."

The motion was adopted.

Clause 49, as amended, was added to the Bill.

Clause 50 was added to the Bill.

Amendment of code of criminal procedures

Clause 51

MR. DEPUTY-SPEAKER: The question is:

"That clause 51 stand part of the Bill:"

The motion was negatived.

Short title and commencement

Clause 1

Amendment made:

Page 1, line 5 *for* "2006" *substitute* "2008", (2)

(Shri A. Raja)

MR. DEPUTY-SPEAKER: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula

Amendment made:

Page 1, line 1, *for* "Fifty-seventh", *substitute* "Fifty-ninth". (1)

(Shri A. Raja)

MR. DEPUTY-SPEAKER: The question is:

"That the Enacting Formula, as amended stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Long Title was added to the Bill.

...(*Interruptions*)

SHRI A. RAJA: I beg to move:

"That the Bill, as amended, be passed."

MR. DEPUTY-SPEAKER: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.